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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

GARLAND RABON,

Defendant.

No. 23-cr-00191-AMO-3

UNITED STATES' OPPOSITION TO REQUEST TO REFER GARLAND RABON FOR A CAP EVALUATION

Date: August 4, 2025

Time: 2:00 p.m.

1 This is not a case suitable for CAP referral because the defendants are members of the violent
2 Ghost Town street gang who committed violent, takeover armed robberies inflicting trauma and harm on
3 members of the community. Defendant Rabon was an active participant in the violent conduct, and he
4 pledged his loyalty to the Ghost Town gang in social media posts. He celebrated his ill-gotten gains
5 with fellow gang members in posts on his social media account and in a Youtube video still active
6 today. The defense relies on other cases in the district, mostly involving defendants in the grip of
7 addiction to make its case for a referral here. But none of the cited cases involve the kind of
8 coordinated, carefully planned violence by gang members at issue here. Moreover, none of those cases
9 is remotely similar procedurally. All nine defendants have pled guilty. Two have been sentenced.
10 None of the other defendants will participate in CAP. The Court recently remanded a co-defendant who
11 sought screening for CAP. To screen Garland Rabon will create disparities in this case involving
12 multiple defendants engaged in a violent conspiracy. Finally, the request is inconsistent with Congress's
13 directive for mandatory remand for crimes of violence.

14 By way of background, on May 5, 2025, defendant Garland Rabon pled guilty to the three counts
15 against him in the Second Superseding Indictment, charging him with Conspiracy to Engage in Robbery
16 Affecting Interstate Commerce and Hobbs Act Robbery and Aiding and Abetting Hobbs Act Robbery.
17 These counts relate to Rabon's participation in two violent takeover robberies with other Ghost Town
18 gang members—the November 12, 2022, robbery of H Bee Jewelry Store in San Pablo, CA, and the
19 December 24, 2022, robbery of Joyus Wellness in Oakland, CA. During these robberies, the defendants
20 brandished firearms to subdue and traumatize their victims, in order to steal jewelry, cash and marijuana
21 from the small businesses. At H Bee, the robbers used firearms to restrain two victims, sitting atop one
22 of them, while an elderly female victim retreated and wailed in fear. Garland Rabon was inside H Bee
23 during the robbery, where three adult victims and three bystanders were harmed. In the Joyus robbery,
24 the robbers restrained the victim using firearms but also used one to strike the victim in the head.

25 Against this backdrop, the government opposes Rabon's request to be referred to the CAP for
26 potential imposition of a non-custodial sentence. CAP is not meant for defendants like Rabon, nor the
27 concerted and violent offense conduct at issue here. In fact, pursuant to 18 U.S.C. § 3143(a), Congress
28 has directed that defendants who have been adjudged guilty of a crime of violence, like Rabon, be

1 subject to mandatory remand. This congressional directive is inconsistent with permitting Rabon to
 2 remain out of custody to participate in CAP.

3 Although § 3143's congressional directive is dispositive, it bears noting that Rabon's conduct
 4 and status are inconsistent with CAP's design, which is primarily aimed at "defendants at higher risk of
 5 reoffending due to factors such as youth, early onset of substance abuse or delinquency, failed treatment
 6 or rehabilitation attempts, or prior felony convictions." *See* [https://cand.uscourts.gov/about/court-](https://cand.uscourts.gov/about/court-programs/problem-solving-courts-programs/)
 7 [programs/problem-solving-courts-programs/](https://cand.uscourts.gov/about/court-programs/problem-solving-courts-programs/). This does not describe Rabon, who does not suffer from
 8 addiction. *See* ECF 77 at p. 11. ("Mr. Rabon has smoked marijuana in the past but has otherwise
 9 minimal drug use."). There is no indication that Rabon previously participated unsuccessfully (or at all)
 10 in drug treatment. Rabon also reports that he has "no mental health issues." (ECF 61 at p. 6.) Nor is
 11 Rabon particularly young—he will be 30 in November. (ECF 53.) Rabon was part of a violent robbery
 12 crew that was bound together by loyalty to a criminal street gang and intent on harming members of the
 13 community in service of their desire for financial gain. In this regard, Rabon is seen celebrating with
 14 other Ghost Town gang members at the "Miya Surprise Party" on December 22, 2022, after the H Bee
 15 robbery and two days before the Joyus robbery. *See*
 16 <https://www.youtube.com/watch?app=desktop&v=n0MOJIYM1JU&edufilter=NULL>. Rabon is seen
 17 wearing a flashy gold necklace stolen during the H Bee robbery, enjoying the fruits of the group's crime
 18 spree with other defendants and Ghost Town members. Rabon has posted on his social media pledged
 19 his loyalty to the gang, reposting a video in July 2023 and adding the caption, "Til death do us apart I'm
 20 with the gang I took my vows" (see image below). The defense cases involve defendants who were
 21 younger, nonviolent, with no criminal history, and no known gang ties – that is not Garland Rabon.

22 This is not the type of crime for which a CAP referral is appropriate. Nor is Rabon the type of
 23 defendant for which CAP was designed. The government respectfully submits that the Court should
 24 decline to refer Rabon for further CAP evaluation.

25 DATED: July 31, 2025

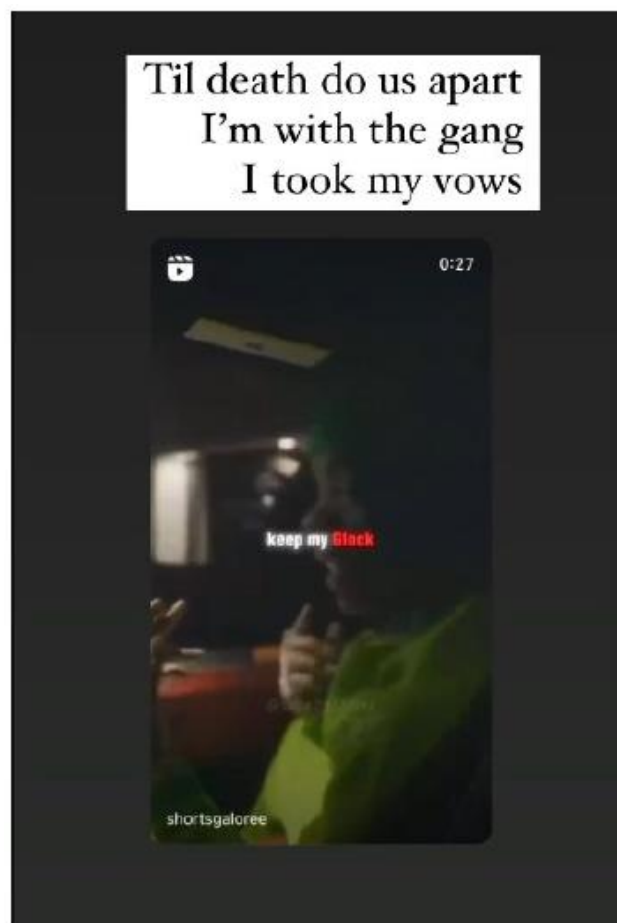
Respectfully submitted,
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_____/s/_____
 JONATHAN U. LEE
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Rabon pictured on right.

Rabon pictured on far left.



Posted with caption in July 2023